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ATTORNEYS AT LAW

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DATE: September 10, 2004

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Office of Petitions	United States Patent and Trademark Office	703 872 9306	703 305 9285

From: Suzannah K. Sundby/emg Telecopy: 202 263 4352 Phone: 202 263 4332 Client/Matter: 034047.037 Number of Pages: 13

OPERATOR: _____ TIME COMPLETED: _____
PLEASE CALL (202) 263-4300 IF YOU HAVE ANY PROBLEMS

MESSAGE:

Re: US Patent Application Number 09/905,046
For: Monoclonal Antibody Which Agglutinates E. Coli Having CS4-CFA/I
Family Protein
Inventors: Cassels, et al.
Client Ref.: WRAIR 95-01B
Our Ref.: 034047.037

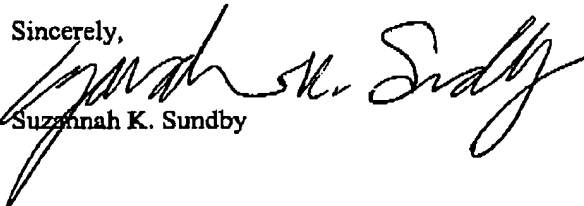
Dear Sir or Madam:

Please find enclosed a copy of the Petition to Revive papers that were filed on 10 June 2004, as well as a copy of the facsimile confirmation for the above-mentioned application.

It has come to our attention that this Petition to Revive has not reached the Petitions division and we therefore resend all the papers that are necessary to render a decision on this matter.

Please do not hesitate to call me if you have any questions.

Sincerely,



Suzannah K. Sundby

SKS/emg
Enclosures

CONFIDENTIALITY NOTE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address

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FROM

Smith, Gambrell & Russell, LLP

Attorneys at Law
1850 M Street, N.W.
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Telephone: (202) 263 4300
Facsimile : (202) 263 4329

FACSIMILE TRANSMISSION

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ATTN: Examiner Sarvamangala J.N. DEVI

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By Telephone AT: (202) 263-4300

Attorney Docket : 034047.037

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1850 M Street, N.W.
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Telephone: (202) 263 4300
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Attorney Docket : 034047.037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cassels, et al.

U.S. Serial No.: 08/905,046


Group Art Unit: 1645

Filed: 1 August 1997

Examiner: Sarvamangala J.N. DEVI

For: MONOCLONAL ANTIBODY WHICH AGGLUTINATES E. COLI HAVING
THE CS4-CFA/I FAMILY PROTEIN**List of attached document(s):**

- A) Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37
C.F.R. 1.137(b)

CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that the above identified document A
is being facsimile transmitted to the Patent and
Trademark Office on the date shown below.Name: Suzannah K. Sundby, Reg. No. 43,172 Sig.:  Date: 10 June 2004

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SEP 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cassels, et al.

Serial No.: 08/905,046

Filed: 1 August 1997

For: MONOCLONAL ANTIBODY WHICH
AGGLUTINATES E. COLI HAVING THE CS4-
CFA/I FAMILY PROTEIN

Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037
(WRAIR 95-10)**COPY**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile 703-872-9306

Dear Sir:

This is a petition to revive the above-identified application which became abandoned from failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office.

1. Petition Fee

- ☐ A check is enclosed or ☐ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the small entity fee of \$ 665.00 under 37 C.F.R. 1.17(m). Applicant claims small entity status.
- ☐ A check is enclosed or ☒ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the large entity fee of \$ 1330.00 under 37 C.F.R. 1.17(m).

2. Reply and/or Fee

- A. The reply and/or fee to the above-noted Office action in the form of * (type), mailed *,
- ☐ has been filed previously on *.
- ☐ is enclosed herewith.

SGRDC/216137.1

- ☐ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the * entity * fee of \$* under 37 C.F.R. *.

B. The issue fee of \$1330.00.

- ☐ has been filed previously on *.
- ☐ is enclosed herewith.
- ☒ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the large entity issue fee of \$1330.00 under 37 C.F.R. 1.18(a).

COPY

3. Matters related to the Notice of Allowance and Issue Fee Due – Since Applicants do not have a copy of the Notice of Allowance and Issue Fee due:

- ☒ Applicants would appreciate a copy of the missing Notice of Allowance and Issue Fee Due to be forwarded to Suzannah K. Sundby at the address below.
- ☒ In part B of the Fee Transmittal in Box 2, please indicate “Elizabeth Arwine” as the name of the patent attorney for printing on the patent front page.
- ☒ In part B of the Fee Transmittal in Box 3, please indicate the Assignee as “The United States of America as represented by the Secretary of the Army (Washington, DC)”.
- ☒ If necessary, please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 for the publication fee of \$300.00 under 37 C.F.R. 1.18(d).
- ☒ Please send 11 soft/advance copies of the issued patent to Suzannah K. Sundby at the address below and debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 in the amount of \$33.00 under 37 C.F.R. 1.19(a)(1).

4. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility application was filed on or after 8 June 1995, no terminal disclaimer is required.

5. Other

- ☒ Three signed revocation and new power of attorney forms are submitted herewith.
- ☒ Applicants respectfully request that once the decision to grant this Petition is made, that Suzannah K. Sundby be notified via telephone or facsimile as soon as possible such that

SGRDC/216137.1

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Applicants may timely pay the filing fee for the continuation application (which will claim priority to the present application should this petition be allowed) that has been concurrently filed herewith.

5. STATEMENT

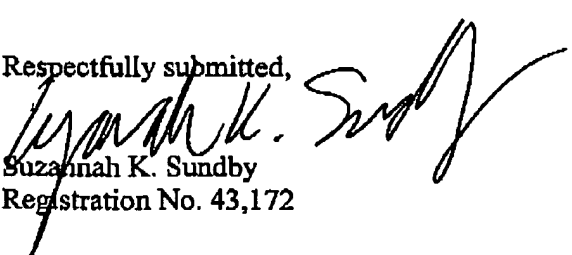
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Specifically, Applicants note that the Notice of Allowance and Issue fee due was not received and believe that it was lost in the mails during the Anthrax U.S. Postal Service closings in Washington, DC, mail diversions, and destruction and/or non-delivery of mail suspected of contamination. Applicants did receive a Notice of Abandonment mailed 13 March 2003, but did not know that the prior attorney did not address or respond to the Notice of Abandonment until recently when the case was transferred to Suzannah K. Sundby in April 2004. Since the transfer of the case in April 2004 to the present date, Applicants were endeavoring to determine the facts related to the abandonment. During such time, Applicants determined that there was no intent on the part of the Applicants that the application go abandoned. Therefore, the entire period of abandonment was unintentional.

COPY

It is not believed that fees beyond those submitted herewith are required. If, however, any additional fees are necessary in order to grant this petition, then such fees are hereby authorized to be charged to our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10).

Respectfully submitted,


Suzannah K. Sundby
Registration No. 43,172Date: 10 June 2004

SMITH, GAMBRELL & RUSSELL, LLP
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352

Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-872-9306.

Date: 10 June 2004
Suzannah K. Sundby

Jun 03 04 06:15p

W 8CHM-P8902-W

(37) 319-9801

P. 2

COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Cassels, et al.

Serial No.: 08/905,046

Filed: 1 August 1997

For: MONOCLONAL ANTIBODY WHICH
AGGLUTINATES E. COLI HAVING THE CS4-
CFA/I FAMILY PROTEIN

Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037
(WRAIR 95-10)**REVOCATION OF ORIGINAL POWER OF ATTORNEY
AND GRANT OF NEW POWER OF ATTORNEY**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

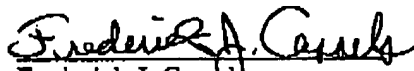
Dear Sir:

Applicants hereby revoke the previous Power of Attorney in the above-referenced application and hereby appoint SUNDBY, Suzannah K. (Reg. No. 43,172) and the other practitioners at Customer Number 00441 and

Elizabeth Arwine (Registration No. 45,867) of the U.S. Army Medical Research and Materiel Command with a mailing address at:

Office of the Staff Judge Advocate
U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine)
504 Scott Street
Ft. Detrick, MD 21702-5012

All telephone calls relating to this case should be directed to:

Suzannah K. Sundby at
(202) 263-4332
Frederick J. Cassels3 Jun 2004
Date_____
Andrew Lees_____
Date

SGRDC/216205.1

COPYRichard SchumanDate**Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)**

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Suzannah K. Sundby

COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:**

Cassels, et al.

Serial No.: 08/905,046

Filed: 1 August 1997

**For: MONOCLONAL ANTIBODY WHICH
AGGLUTINATES E. COLI HAVING THE CS4-
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Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037
(WRAIR 95-10)**REVOCATION OF ORIGINAL POWER OF ATTORNEY
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504 Scott Street
Ft. Detrick, MD 21702-5012


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Suzannah K. Sundby at
(202) 263-4332

Frederick J. Cassels


Andrew Lees

Date


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Richard Schuman

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Date: 10 June 2004


Suzannah K. Sundby

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Examiner: Devi, Sarvamangala J. N.

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504 Scott Street
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All telephone calls relating to this case should be directed to:

Suzannah K. Sundby at
(202) 263-4332

Frederick J. Cassels_____
Date_____
Andrew Lees_____
Date

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PAGE 03

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Richard Schuman

6/4/04
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Date: 10 June 2004

Suzannah K. Sundby
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